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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,999	06/14/2000	Ronald Scot Young	3011-1030	8206

466 7590 04/17/2006

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EXAMINER

CHIN, RANDALL E

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/593,999

Applicant(s)

YOUNG, RONALD SCOT

Examiner

Randall Chin

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) 5 and 16-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Objections***

1. Claims 13 and 14 are objected to because of the following informalities:

Claim 13, lines 12-13, the recitation "the outer layer" makes the claim scope unclear since which "outer layer" is being referred to here?

Claim 14, the recitation "inner filling" (lines 6, 8, 9 and 10) makes the claim language unclear since "inner filling" has not been positively recited. Consistent terminology must be used for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Newell 5,066,527 (hereinafter Newell '527).

As well as claim 13 is understood, the patent to Newell '527 teaches in Fig. 1 a yarn substitute comprising an outer layer of inexpensive waste material deemed folded onto itself **at longer side 14** to form an upper outer layer and a lower outer layer (i.e., just top and bottom sides of the casing 12), and an inner layer 18A of inexpensive waste material between said upper and lower outer layers, said inner layer and said upper and lower outer layers being connected together along central or substantially central

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portion (see generally circular cross-section in Fig. 1) at stitching 20 by a **connection extending through the outer layers and inner layer** to maintain the inner layer between the upper and lower outer layers and to prevent or limit movement of the inner layer relative to the outer layer. Note, Newell '527 explicitly teaches that the sewing stitches may attach the end(s) of some **or all of the fibrous web elements 18A to the casing 12** (at least along the longer side 14 which could partly encompass the outer layers), particularly in the embodiment where the fibrous web elements 18A extend from one end of the casing to the other (col. 5, lines 55-59). Also, the recitation "inexpensive" here is merely a relative term of no patentable moment.

As for claim 14, Newell '527 teaches an elongate ribbon comprising a strip of absorbent outer non-woven fabric 12 (col. 4, lines 42-57) deemed at least folded onto itself longitudinally **at longer side 14** to form an upper and lower outer fabric layers (i.e., just top and bottom sides of the casing 12) and filled with an absorbent inner waste 18A from non-woven materials (col. 2, lines 42-57) to form a "sandwich structure," the outer fabric layers and inner filling being connected together along a central or substantially central portion (see generally circular cross-section in Fig. 1) of the outer layers by a connection extending through the outer layers and inner filling at stitching 20 to maintain the inner filling between the outer layers and to prevent or limit movement of the inner filling relative to the outer layers. Note, Newell '527 explicitly teaches that the sewing stitches may attach the end(s) of some **or all of the fibrous web elements 18A to the casing 12** (at least along the longer side 14 which could partly encompass the outer layers), particularly in the embodiment where the fibrous web elements 18A extend from

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one end of the casing to the other (col. 5, lines 55-59). Note, the waste material of both the inner and outer layers is absorbent (col. 4, lines 5-9). Please also note the claim 14 objection above.

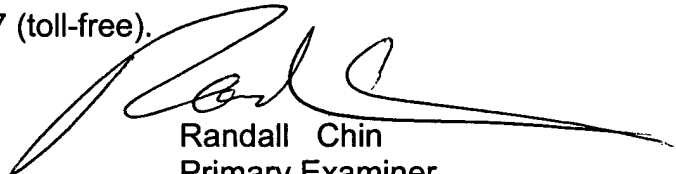
As for claim 15, Newell '527 teaches in Fig. 1 an elongate ribbon comprising outer strips (i.e., just top and bottom sides of the casing 12) of non-woven fabric (col. 4, lines 42-57) layered with inner filling waste 18A from non-woven materials (col. 2, lines 42-57) to form a "sandwich structure," said outer strips and inner filling being bound together by a connection extending through the outer strips and inner filling along a central or substantially central portion (see generally circular cross-section in Fig. 1) of the outer strips at stitching 20 to maintain the inner filling between the outer strips and to prevent or limit movement of the inner filling relative to the outer strips. Note, Newell '527 explicitly teaches that the sewing stitches may attach the end(s) of some **or all** of **the fibrous web elements 18A to the casing 12** (at least along the longer side 14 which could partly encompass the outer layers), particularly in the embodiment where the fibrous web elements 18A extend from one end of the casing to the other (col. 5, lines 55-59).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Randall Chin', with a long horizontal flourish extending to the right.

Randall Chin  
Primary Examiner  
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